

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

DEC 19 2005

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte YAACOV ALMOG

Application No. 10/039,481

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on November 17, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

- (1) In response to the Examiner's Answer mailed June 25, 2004, appellant filed a Reply Brief on August 30, 2004. There is no indication on the record that the examiner has acknowledge receipt and entry of the reply brief.
- (2) One of the references the examiner list in the *Prior Art of Record* on page 3 of the answer as being relied upon in the rejection of the appealed claims is "**Diamond, Arthur S. Handbook of Imaging Material, New York: Marcel-Dekker, Inc. (1991) p. 233**" (emphasis added). We have been unable to find a copy of this page in the application's electronic file.

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(3) On March 11, 2005 Appellant filed a paper titled Request for Withdrawal as Attorney or Agent and Change of Correspondence Address. There is no indication in the electronic file that this paper has been processed.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

- a.) to properly acknowledge receipt and entry of the reply brief filed August 30, 2004,
- b.) to have a copy of the missing reference noted in (2) above scanned into the application's electronic file,
- c.) to have the paper noted in (3) above processed and the action scanned into the electronic file, and
- d.) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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By:



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CF/vsh

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